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COMMONWEALTH OF VIRGINIA

**STATE CORPORATION COMMISSION**

AT RICHMOND, AUGUST 16, 2001

APPLICATION OF

ACN ENERGY, INC.

CASE NO. PUE010361

For a license to conduct  
business in the natural  
gas retail access program

ORDER FOR NOTICE AND COMMENT

On June 25, 2001, ACN Energy, Inc. ("ACN" or "Applicant") filed an application for a license to conduct business as a natural gas competitive service provider ("CSP") in a retail access pilot program that has been approved by this Commission as provided by the Interim Rules Governing Electric and Natural Gas Retail Access Pilot Programs ("Interim Rules"), 20 VAC 5-311-10 et seq. ACN completed its application with a supplement filed on July 31, 2001. Applicant intends to serve residential customers participating in the natural gas retail access program of Washington Gas Light Company ("WGL"). According to the application, ACN has served a copy of its application on WGL.

NOW UPON CONSIDERATION of the application and the Commission's Final Order in Case No. PUE000474,<sup>1</sup> the Commission

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<sup>1</sup> By Commission Order dated March 7, 2001, in Case No. PUE000474, the Commission approved an application by WGL to implement on a permanent basis natural gas retail supply choice to all of its customers in Virginia, including those served by its Shenandoah Gas Division.

will treat the Company's application as a request to participate in WGL's permanent natural gas retail supply choice under the Rules Governing Retail Access to Competitive Energy Services ("Retail Access Rules") 20 VAC 5-312 10 et seq. Accordingly, the Commission finds that ACN's application should be docketed; that this Order should be served upon appropriate persons; and that the Commission Staff should investigate the application and present its findings in a report.

Accordingly, IT IS ORDERED THAT:

(1) As provided in Title 56 of the Code of Virginia and the Retail Access Rule 20 VAC 5-312-40 C, this application is docketed and assigned Case No. PUE010361.

(2) A copy of the application and supporting documents shall be available for inspection in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, between the hours of 8:15 a.m. and 5:00 p.m. on the Commission's regular business days, Monday through Friday.

(3) On or before August 22, 2001, ACN shall serve a copy of this Order on WGL, c/o Donald R. Hayes, Esquire, 1100 H Street, N.W., Washington, D.C. 20080.

(4) Any interested person may request a copy of the application, accompanying materials, and this Order by directing a request in writing to the Applicant, c/o Christopher Waldron,

Regulatory Attorney, ACN Energy, Inc., 7926 Jones Branch Drive, Suite 630, McLean, Virginia 22102. The Applicant shall, within three (3) days of receipt of the request, serve the requested documents upon the person making such request.

(5) An original and fifteen (15) copies of any comments on the application may be filed by August 30, 2001, with the Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Comments must refer to Case No. PUE010361. A copy of such comments also must simultaneously be served by first-class mail, or hand-delivered, to Applicant, c/o Christopher Waldron, Regulatory Attorney, ACN Energy, Inc., 7926 Jones Branch Drive, Suite 630, McLean, Virginia 22102.

(6) The Commission Staff shall investigate the application and shall present its findings in a Staff Report to be filed on or before August 31, 2001.

(7) On or before September 7, 2001, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any response it may have to the Staff Report and any comments that have been filed, and shall serve a copy of its response on counsel for the Commission Staff and any person(s) submitting comments by overnight delivery.

(8) Due to the time-sensitive nature of this proceeding, the Applicant shall respond to written interrogatories or data

requests within three (3) business days after the receipt of the same. Interrogatories and data requests, as well as the responses thereto, shall be transmitted via facsimile as well as by first-class mail. Except as modified herein, discovery shall be in accordance with Part VI of the Commission's Rules of Practice and Procedure.

(9) This matter is continued generally.